

109TH CONGRESS
1ST SESSION

S. 1259

To amend title 38, United States Code, to extend the requirement for reports from the Secretary of Veterans Affairs on the disposition of cases recommended to the Secretary for equitable relief due to administrative error and to provide improved benefits and procedures for the transition of members of the Armed Forces from combat zones to noncombat zones and for the transition of veterans from service in the Armed Forces to civilian life.

IN THE SENATE OF THE UNITED STATES

JUNE 16, 2005

Mr. SALAZAR introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to extend the requirement for reports from the Secretary of Veterans Affairs on the disposition of cases recommended to the Secretary for equitable relief due to administrative error and to provide improved benefits and procedures for the transition of members of the Armed Forces from combat zones to noncombat zones and for the transition of veterans from service in the Armed Forces to civilian life.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Veterans Employment
3 and Transition Services Act”.

4 **SEC. 2. EXTENSION OF REPORTING REQUIREMENTS ON EQ-**
5 **UITABLE RELIEF CASES.**

6 Section 503(c) of title 38, United States Code, is
7 amended by striking “December 31, 2004” and inserting
8 “December 31, 2009”.

9 **SEC. 3. VETERAN-TO-VETERAN PRESEPARATION COUN-**
10 **SELING.**

11 (a) ACCESSIBILITY OF INFORMATION.—

12 (1) IN GENERAL.—Chapter 58 of title 10,
13 United States Code, is amended by adding at the
14 end the following:

15 **“§ 1154. Veteran-to-veteran preseparation counseling**

16 **“(a) COOPERATION REQUIRED.—**The Secretary of
17 Defense and the Secretary of Homeland Security shall
18 carry out a program to facilitate the access of representa-
19 tives of military and veterans’ service organizations and
20 representatives of military and veterans’ services agencies
21 of States to provide preseparation counseling and services
22 to members of the armed forces who are scheduled, or are
23 in the process of being scheduled, for discharge, release
24 from active duty, or retirement.

25 **“(b) ELEMENTS OF PROGRAM.—**The program car-
26 ried out under this section shall—

1 “(1) authorize representatives of military and
2 veterans’ service organizations and representatives of
3 military and veterans’ services agencies of States to
4 participate in the preseparation counseling and other
5 assistance provided to members under the programs
6 carried out under sections 1142 and 1144 of this
7 title; and

8 “(2) provide support for the outreach programs
9 of such organizations and agencies by providing the
10 organizations and agencies with the names and ad-
11 dresses of members of the armed forces described in
12 subsection (a).

13 “(c) LOCATIONS.—Subject to subsection (e), the pro-
14 gram under this section shall provide for access to mem-
15 bers—

16 “(1) at each installation of the armed forces;

17 “(2) at each armory and military family sup-
18 port center of the National Guard;

19 “(3) at each inpatient medical care facility of
20 the uniformed services administered under chapter
21 55 of this title; and

22 “(4) in the case of a member on the temporary
23 disability retired list under section 1202 or 1205 of
24 this title who is being retired under another provi-

1 sion of this title or is being discharged, at a location
 2 reasonably convenient to the member.

3 “(d) WAIVER OF ACCESS RESTRICTIONS.—In car-
 4 rying out elements of the program described in subsection
 5 (b), the Secretary of Defense and the Secretary of Home-
 6 land Security may waive the applicable provisions of the
 7 regulations promulgated under section 264(c) of the
 8 Health Insurance Portability and Accountability Act of
 9 1996 (42 U.S.C. 1320d–2 note) to the extent necessary
 10 to ensure that representatives of military and veterans’
 11 service organizations and representatives of military and
 12 veterans’ services agencies of States have access to mem-
 13 bers and former members of the uniformed services in
 14 medical treatment facilities of the uniformed services to
 15 fulfill the purposes of this title.

16 “(e) CONSENT OF MEMBERS REQUIRED.—Access to
 17 a member of the armed forces under the program under
 18 this section is subject to the consent of the member.”.

19 (2) CLERICAL AMENDMENT.—The table of sec-
 20 tions at the beginning of chapter 58 of title 10,
 21 United States Code, is amended by adding at the
 22 end the following:

“1154. Veteran-to-veteran preseparation counseling.”.

23 (b) DEPARTMENT OF VETERANS AFFAIRS.—

1 (1) IN GENERAL.—Subchapter I of chapter 17
2 of title 38, United States Code, is amended by add-
3 ing at the end the following:

4 **“§ 1709. Veteran-to-veteran counseling**

5 “(a) COOPERATION REQUIRED.—The Secretary shall
6 carry out a program to facilitate the access of representa-
7 tives of military and veterans’ service organizations and
8 representatives of military and veterans’ services agencies
9 of States to veterans, furnished care and services under
10 this chapter to provide information and counseling to such
11 veterans on the care and services authorized by this chap-
12 ter, and other benefits and services available under the
13 laws administered by the Secretary.

14 “(b) FACILITIES COVERED.—Subject to subsection
15 (d), the program carried out under this section shall pro-
16 vide for access to veterans described in subsection (a) at
17 each facility of the Department or non-Department facility
18 at which the Secretary furnishes care and services under
19 this chapter.

20 “(c) WAIVER OF ACCESS RESTRICTIONS.—In car-
21 rying out the program under this section, the Secretary
22 may waive the applicable provisions of the regulations pro-
23 mulgated under section 264(c) of the Health Insurance
24 Portability and Accountability Act of 1996 (42 U.S.C.
25 1320d–2 note) to the extent necessary to ensure that rep-

1 representatives of military and veterans' service organizations
 2 and representatives of military and veterans' services
 3 agencies of States have access to veterans described in
 4 subsection (a) at the facilities referred to in subsection (b)
 5 to fulfill the purposes of this title.

6 “(d) CONSENT OF VETERANS REQUIRED.—Access to
 7 a veteran under the program under this section is subject
 8 to the consent of the veteran.”.

9 (2) The table of sections at the beginning of
 10 chapter 17 of title 38, United States Code, is
 11 amended by inserting after the item relating to sec-
 12 tion 1708 the following:

“1709. Veteran-to-veteran counseling.”.

13 **SEC. 4. SEPARATION COUNSELING AND TRANSITION AS-**
 14 **SISTANCE.**

15 (a) SEPARATION OF REENLISTMENT AND SEPARA-
 16 TION COUNSELING.—Section 1142(a) of title 10, United
 17 States Code, is amended by adding at the end the fol-
 18 lowing:

19 “(4) The Secretary concerned shall ensure that
 20 preseparation counseling under this section is provided by
 21 personnel and offices that are not responsible for encour-
 22 aging service members to reenlist so that readjustment
 23 counselors can focus completely on assisting separating
 24 service members.”.

1 (b) TRANSITION ASSISTANCE PROGRAM.—Section
2 1144(c) of title 10, United States Code, is amended—

3 (1) by striking “shall encourage” and inserting
4 “shall—

5 “(1) encourage”;

6 (2) by striking the period at the end and insert-
7 ing “; and”; and

8 (3) by adding at the end the following:

9 “(2) establish separation assistance participa-
10 tion rates as a performance measure for com-
11 manding officers to ensure that such officers actively
12 encourage such members to participate in the pro-
13 gram under this section; and

14 “(3) submit a report to Congress, not later
15 than March 31 of each year, describing the rates of
16 participation in such program by each branch of
17 service and at each military installation.”.

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